

BILL ANALYSIS

Senate Research Center

H.B. 3149
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Business & Commerce
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Enrolled

AUTHOR'S/SPONSOR'S STATEMENT OF INTENT

Currently, there are no provisions to allow for a cosmetology licensee to go to inactive status if that person decides to stop practicing cosmetology services for a period of time. Therefore, if a cosmetology licensee takes an extended leave of absence from the profession because that person decides to raise a family, or moves away from Texas with the intent to someday return, that person must maintain the license. This means that in some instances the licensee must travel back to Texas to take continuing education courses, and pay fees related to the license.

H.B. 3149 allows a person to have an inactive status for a cosmetology license, provided that the license holder completes all continuing education requirements and pays all necessary fees before the active license is reinstated.

RULEMAKING AUTHORITY

This bill does not expressly grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Subchapter H, Chapter 1602, Occupations Code, by adding Section 1602.353, as follows:

Sec. 1602.353. INACTIVE STATUS. (a) Authorizes the holder of a [cosmetology] certificate or license issued under this chapter to place the holder's certificate or license on inactive status by taking certain actions.

(b) Provides that the holder of a certificate or license that has been placed on inactive status under this section is not required to comply with continuing education requirements under this chapter.

(c) Requires the holder of a certificate or license, to maintain inactive status, to reapply for inactive status on or before the second anniversary of

the date the status is granted by submitting the required form accompanied by the required renewal fee.

(d) Prohibits the holder of a certificate or license to practice cosmetology that has been placed on inactive status under this section from performing or attempting to perform the practice of cosmetology.

(e) Prohibits the holder of an instructor's license that has been placed on inactive status from teaching or attempting to teach cosmetology at a private beauty culture school or in a vocational cosmetology program in a public school.

(f) Prohibits the holder of a license to operate a vocational cosmetology program in a public school, or a beauty shop, beauty culture school, specialty shop, or other place of business in which cosmetology is taught or practiced under this chapter, from employing a person to perform the practice of cosmetology or teaching as an instructor if the person's certificate or license has been placed on inactive status.

(g) Authorizes a person whose certificate or license is on inactive status under this section to return the person's certificate or license to active status by taking certain actions.

SECTION 2. (a) Requires the Texas Cosmetology Commission, not later than January 1, 2006, to adopt the forms, rules, and procedures necessary to implement Section 1602.353, Occupations Code, as added by this Act.

(b) Prohibits a person, notwithstanding Section 1602.353, Occupations Code, as added by this Act, from applying to have the person's certificate or license placed on inactive status under that section before January 1, 2006.

SECTION 3. Effective date: September 1, 2005.